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Our File No.

38110-100

September 1, 2022

By ECF and E-mail

The Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
United States Courthouse
500 Pearl Street
New York, NY 10007

Re: *Kleeberg, et al. v. Eber, et al.*
Docket No. 16-cv-9517 (LAK)

Dear Judge Kaplan:

We represent Defendants in the above-referenced action.

We are in receipt of Plaintiffs' counsel's letter, dated August 29, 2022. Contrary to Plaintiffs' assertions, Defendants do not seek distributions of "untold" sums of money to the members of Eber Connecticut (the "Company"). Rather, Defendants only seek to make distributions to enable the current members to pay income taxes.

We expected that prior to any submission to the Court, we could have a discussion with Plaintiffs' counsel regarding any concerns he may have with respect to proposed tax distributions once we delivered data from the Company's tax professionals and a proposal. We regret that Plaintiffs' counsel decided to submit his letter to the Court rather than have a discussion with us after we were able to deliver the data and proposal to him.

We have now delivered the data and a proposed order and await Plaintiffs' comment. We remain hopeful that we can make tax distributions without burdening this Court with unnecessary motion practice.

We do not deem it necessary to address the remaining assertions and contentions in Plaintiffs' letter, except insofar as Plaintiffs improperly delve substantively into the subject matter of settlement. Defendants consent to, and indeed strongly encourage, the Court making inquiry of Magistrate Judge Parker for a genuine and objective view of the parties' efforts towards a settlement.

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We thank the Court for its attention to this matter.

Respectfully submitted,

s/ Frank T. Santoro

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cc: Counsel of Record